

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:09CR156

UNITED STATES OF AMERICA)	
)	
v.)	PRELIMINARY ORDER OF
)	FORFEITURE
DAVID GERARD SMITH.)	

THIS MATTER is before the Court on the Government's Motion for Preliminary Order of Forfeiture (Doc. No. 28).

THIS COURT FINDS AS FOLLOWS:

1. In the Bill of Indictment (Doc. 1) in this case, the Grand Jury charged Defendant with violations of, amongst other statutes, 18 U.S.C. §§ 2251. The Indictment also provided notice that property was subject to forfeiture pursuant to 18 U.S.C. § 2253.

2. Defendant pled guilty via Plea Agreement (Doc. 10) to the 18 U.S.C. § 2251 offenses set forth in counts one and two of the Indictment. In the Plea Agreement, Defendant consented to forfeiture of the assets identified in the Government's Motion and in this Order.

3. At the sentencing of this matter, this Court orally pronounced forfeiture.

4. For purposes of Fed. R. Crim. P. 32.2 and based on the Indictment and plea of guilty, the Government has established the requisite nexus between the properties identified herein and offenses.

IT IS THEREFORE ORDERED that, based upon 18 U.S.C. § 2253, this Order shall constitute a preliminary order of forfeiture for the following property:

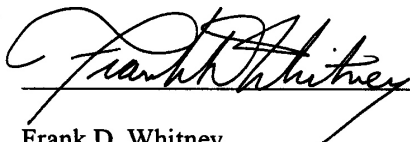
- One Apple Macintosh G5 desktop computer;

- **One Gateway Desktop computer;**
- **Three external hard drives;**
- **156 CD/DVDs;**
- **One Sony Digital Handicam Model DCR-PC5 NTSG;**
- **One Sony Handicam DCR-PC55 NTSC;**
- **One Canon HV10 NTSC digital video camera;**
- **One Sharp Camcorder Model VL-E660U; and**
- **Film and mini cassette tapes for cameras.**

The Federal Bureau of Investigation, United States Marshals Service, and/or other property custodian for the investigative agency is authorized to seize and maintain possession of all specifically identified properties herein. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of this forfeiture. Any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.

IT IS SO ORDERED.

Signed: February 21, 2012


Frank D. Whitney
United States District Judge

